

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

446D0650

HOUSE BILL NO. 1208

Introduced by: Representatives Patterson, Chicoine, Lockner, and McIntyre and Senator
Flowers

1 FOR AN ACT ENTITLED, An Act to prohibit certain discrimination based on age.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 20-13-1 be amended by adding thereto a NEW SUBDIVISION to read as
4 follows:

5 "Age," a person forty years of age or older in an employment situation;

6 Section 2. That subdivision (16) of § 20-13-1 be amended to read as follows:

7 (16) "Unfair or discriminatory practice," any act or attempted act which because of age,
8 race, color, creed, religion, sex, ancestry, disability or national origin accords unequal
9 treatment or separation or segregation of any person, or denies, prevents, limits, or
10 otherwise adversely affects, or if accomplished would deny, prevent, limit or
11 otherwise adversely affect, the benefit or enjoyment by any person of employment,
12 labor union membership, housing accommodations, property rights, education, public
13 accommodations, and public services.

14 Section 3. That § 20-13-10 be amended to read as follows:

15 20-13-10. It is an unfair or discriminatory practice for any person, because of age, race,
16 color, creed, religion, sex, ancestry, disability, or national origin, to fail or refuse to hire, to

1 discharge an employee, or to accord adverse or unequal treatment to any person or employee
2 with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading,
3 compensation, layoff or any term or condition of employment.

4 Section 4. That § 20-13-11 be amended to read as follows:

5 20-13-11. It is an unfair or discriminatory practice for any employment agency, because of
6 age, race, color, creed, religion, sex, ancestry, disability, or national origin, to accord adverse or
7 unequal treatment to any person in connection with any application for employment, any referral,
8 or any request for assistance in procurement of employees, or to accept any listing of
9 employment on such a basis.

10 Section 5. That § 20-13-12 be amended to read as follows:

11 20-13-12. It is an unfair or discriminatory practice for any labor organization, because of age,
12 race, color, creed, religion, sex, ancestry, disability, or national origin, to deny full and equal
13 membership rights to an applicant for membership or to a member; to expel, suspend, or
14 otherwise discipline a member; or to accord adverse, unlawful, or unequal treatment to any
15 person with respect to that person's hiring, apprenticeship, training, tenure, compensation,
16 upgrading, layoff, or any term or condition of employment.

17 Section 6. That § 20-13-13 be amended to read as follows:

18 20-13-13. It is an unfair or discriminatory practice for any employer, employment agency,
19 labor organization or the employees, agents, or members thereof directly or indirectly to
20 advertise or in any other manner indicate or publicize that individuals of any particular age, race,
21 color, creed, religion, sex, ancestry, disability, or national origin are unwelcome, objectionable,
22 not acceptable, or not solicited for employment or membership.

23 Section 7. That § 20-13-15 be amended to read as follows:

24 20-13-15. Notwithstanding any provision of §§ 20-13-10 to 20-13-13, inclusive, it is not an
25 unfair or discriminatory practice for an employer to give and to act upon the results of any

1 professionally developed ability test if such test, its administration or action upon the results is
2 not designed, intended, or used to discriminate because of age, race, color, creed, religion, sex,
3 ancestry, disability, or national origin.

4 Section 8. That § 20-13-16 be amended to read as follows:

5 20-13-16. Notwithstanding any provision of §§ 20-13-10 to 20-13-13, inclusive, it is not an
6 unfair or discriminatory practice for an employer to apply different standards of compensation,
7 or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or
8 merit system, or a system which measures earnings by quantity or quality of production or to
9 employees who work in different locations, if such differences are not the result of an intention
10 to discriminate because of age, race, color, creed, religion, sex, ancestry, disability, or national
11 origin.

12 Section 9. That § 20-12-4 be amended to read as follows:

13 20-12-4. Any municipality or county may investigate any discriminatory practices based on
14 age, sex, race, color, creed, religion, ancestry, disability, familial status, or national origin, with
15 respect to employment, labor union membership, housing accommodations, property rights,
16 education, public accommodations, or public services.